



PATENT
ATTY. DOCKET NO.: P68029US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John M. HERBELIN

Group Art Unit: 3641

Serial No.: 10/606,827

Examiner: Bergin, James S.

Filed: June 27, 2003

For: ENHANCEMENT OF SOLID EXPLOSIVE MUNITIONS
USING REFLECTIVE CASINGS

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant has reviewed the Election of Species Requirement mailed from the U.S. Patent and Trademark Office on September 8, 2004 (Paper No. 20040902), in connection with the captioned application in which claims 1-25 are pending; claims 1 and 14 are independent.

In the Election of Species Requirement, the Examiner stated that the application contains claims drawn to five patentably distinct species of the claimed invention, namely species 1, as shown by the embodiment of Figure 4A; species 2, as shown by the embodiment of Figure 4B; species 3, as shown by the embodiment of Figure 4C; species 4, as shown by the embodiment of Figure 4D; and species 5, as shown by the embodiment of Figure 4E.

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Applicant has been required to elect a single disclosed species to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner stated that currently claims 1 and 14 are generic.

Applicant elects species 2, without traverse. Claims 1, 3-8, 14 and 16-21 are readable on the elected species.

The Examiner also required the Applicant to choose one of three sub-species, namely sub-species A, in which the optical reflecting layer includes a sheeting of reflective metal; sub-species B, in which the optical reflecting layer includes a sheeting of ceramic; and sub-species C, in which the optical reflecting layer includes a sheeting of plastic. Applicant elects sub-species A. Claims 1, 3-8, 14 and 16-21 are readable on the elected sub-species.

The Examiner further stated that upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141.

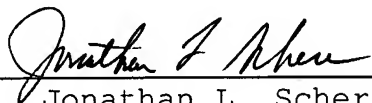
With the foregoing election and remarks, it is respectfully submitted that the present application is in condition for examination on the merits. Should the Examiner have any

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questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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JLS:SCB

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